

1 MICHAEL R.W. HOUSTON  
2 CITY ATTORNEY  
3 MOSES W. JOHNSON, IV (SBN 118769)  
4 Assistant City Attorney  
E-mail: [mjohnson@anaheim.net](mailto:mjohnson@anaheim.net) NC  
200 S. Anaheim Boulevard, Suite 356  
Anaheim, California 92805  
Tel: (714) 765-5169 Fax: (714) 765-5123

5  
6 Attorneys for Defendants CITY OF  
ANAHEIM, CHIEF JOHN WELTER and  
DAN HURTADO

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

11 CAROLINE TONEYGAY, Z.J.-  
12 T.O.P., a Minor, by and through his  
Guardian ad Litem, MARLA  
OCHOA PEREZ.

## Plaintiffs,

v.

15 CITY OF ANAHEIM, CHIEF JOHN  
16 WELTER, DAN HURTADO and  
DOES 1 THROUGH 10.

## Defendants.

Case No.: SACV 14-00338 JVS (JPR)  
Assigned to: Hon. James V. Selna  
Dept.: 10C

## **STIPULATION AND PROTECTIVE ORDER RE CONFIDENTIAL INFORMATION**

Action Filed: March 5, 2014  
Trial Date: None set

1       The parties, Plaintiffs CAROLINE TONEYGAY, Z.J.-T.O.P., a Minor, by  
2 and through his Guardian ad Litem, MARLA OCHOA PEREZ, and Defendants  
3 CITY OF ANAHEIM, CHIEF JOHN WELTER, and DAN HURTADO  
4 (“Defendants” or “City”) through their respective attorneys of record, agree that  
5 the following protective order be issued in this matter pursuant to Rule 26(c)(7)  
6 of the Federal Rules of Civil Procedure.

7       1. This Protective Order applies to and governs the use of law  
8 enforcement investigative reports and records concerning the shooting of  
9 decedent Martin Hernandez which are being produced to Plaintiffs by the City.  
10 This Order shall also apply to and govern any other investigative or law  
11 enforcement reports or records subsequently produced to Plaintiffs by the City  
12 concerning the shooting of decedent Martin Hernandez or its aftermath  
13 (hereinafter referred to as “Confidential Information”), including but not limited  
14 to, reports or memoranda prepared by the Anaheim Police Department or the  
15 Orange County District Attorney’s Office (OCDA). The OCDA investigation is  
16 finished and will be produced by Defendants to Plaintiffs subject to the  
17 protective order.

18       The term Confidential Information shall mean and include the documents  
19 listed above, any and all portions thereof, and all documents of whatever kind  
20 containing information set forth in or obtained from these documents.

21       2. Plaintiffs' counsel shall use the Confidential Information solely for  
22 the purposes of this litigation, and shall not disclose any portion of the  
23 Confidential Information to any other person, firm or corporation except:

24           A. Bona fide employees of counsel's law offices, and then only to the  
25 extent necessary to enable said persons to assist in litigation of this action;

26           B. Plaintiffs, but only to the extent deemed necessary by counsel for  
27 the prosecution of this litigation;

28           C. Expert witnesses employed by the parties to this action;

1           D. Consultants retained by the parties to this action; or

2           E. The Court.

3           3. All persons described in paragraph 2 (a) through (d) above shall not  
4 disclose any portion of said Confidential Information and shall not use any  
5 information obtained therefrom except in conformance with this Protective Order  
6 and for purposes of this litigation. Any party who discloses Confidential  
7 Information to any person described in paragraph 2 (a) through (d) shall advise  
8 such person that said matters constitute Confidential Information which may be  
9 used only for the litigation of this action, and shall, prior to disclosure of the  
10 Confidential Information, have such person execute a written Understanding and  
11 Agreement to be bound by this Stipulation for Protective Order in the form  
12 attached hereto as Exhibit 1.

13           4. Any deposition testimony that encompasses or concerns  
14 Confidential Information shall be transcribed in a separate booklet that is marked  
15 on its cover "Confidential: Do not Disclose by Court Order." In addition, any  
16 documents containing Confidential Information that are submitted to the Court  
17 shall be filed or lodged in a sealed envelope marked "Confidential: Subject to  
18 Protective Order in conformance with Local Rule 79-5."

19           5. The attorneys for Plaintiffs are directed to retain all copies of  
20 documents, notes, or summaries containing Confidential Information in their  
21 custody, possession and control and to take the necessary precautions to prevent  
22 persons not authorized as provided above from obtaining access to any such  
23 Confidential Information.

24           6. Production of the Confidential Information protected by this  
25 Stipulated Agreement and Order shall not constitute a waiver of any privileged or  
26 confidentiality or privacy right. The parties retain the right to assert all  
27 substantive objections to the Confidential Information, including but not limited  
28 to, relevancy, hearsay, privacy, privilege, and Rule 403 of the Federal Rules of

1 Evidence.

2       7. At the conclusion of this action, all documents containing  
3 Confidential Information, all copies and extracts thereof, with the exception of  
4 those documents affected by the attorney work-product doctrine or attorney-  
5 client privilege, shall be returned to counsel for the City. As to those documents  
6 protected by the attorney work-product doctrine or attorney-client privilege,  
7 Plaintiffs and their counsel agree that any and all such documents shall either be  
8 redacted and returned to the City or shall be destroyed.

9       IT IS SO STIPULATED.

10 Dated: 12/30/2014

CRISTINA L. TALLEY, CITY ATTORNEY

11 Bv: \_\_\_\_\_ /s Moses W. Johnson, IV

12                   Moses W. Johnson, IV  
13                   Assistant City Attorney  
14                   Attorneys for Defendants  
15                   CITY OF ANAHEIM, CHIEF JOHN  
16                   WELTER and DAN HURTADO

17 Dated: August 27, 2014

LAW OFFICES OF HUMBERTO GUIZAR

18 Bv: \_\_\_\_\_ /s Humberto Guizar

19                   Humberto Guizar, Esq.  
20                   Attorneys for Plaintiff  
21                   Z.J.-T.O.P., a Minor, by and through  
22                   his Guardina Ad Litem, Marla Ochoa  
23                   Perez

24 Dated: August 14, 2014

CARRAZCI LAW, A.P.C.

25 Bv: \_\_\_\_\_ /s Angel Carrazco

26                   Angel Carrazco Jr., Esq.  
27                   Attorneys for Plaintiff  
28                   Caroline Toneygay

IT IS SO ORDERED:

Dated: January 7, 2015

  
HON. JEAN P. ROSENBLUTH  
United States Magistrate Judge

EXHIBIT 1

**UNDERSTANDING AND AGREEMENT  
PURSUANT TO PROTECTIVE ORDER**

I have read the Stipulation and Protective Order in CAROLINE TONEYGAY et al. v. CITY OF ANAHEIM et al., Case No. SACV 14-00338 JVS (JPR), now pending in the United States District Court. I understand the Stipulation and agree to be bound by its terms.

DATED:

Bv: \_\_\_\_\_

---

**PRINT NAME**

## ADDRESS

CITY, STATE, ZIP

<unsaved>